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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,776	01/17/2002	Masashige Mizuyama	2002_0036A	2677

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EXAMINER

MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/046,776	Applicant(s) MIZUYAMA ET AL.	
	Examiner Michael D Meucci	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The numerical descriptors should also be removed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5, 6, 10, 17, and 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 5, it is unclear to the examiner what is meant to be disclosed by "previous incorporated". For the purpose of applying art, examiner will presume applicant meant --the operation control unit and application executing unit are associated with the application in some way--. Clarification of the matter is required.

b. Claims 6 and 17 contains the trademark/trade name Java in lines 4 and 6 of each claim. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a virtual machine and separately an applet and, accordingly, the identification/description is indefinite.

c. Claims 10 and 21 recite the limitation "an anchor" in line 3 of each claim. There is insufficient antecedent basis for this limitation in the claim. For the purpose of applying art, examiner will presume that applicant meant to specify "an anchor character string of linking hypertext" as specified on line 22 of page 16 in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10 and 12-21 rejected under 35 U.S.C. 102(e) as being anticipated by Gish (U.S. 6,038,590).

a. As per claims 1 and 12, Gish teaches: a receiving unit for receiving said instruction data transmitted from said server (line 61 of column 17 through line 17 of column 18); an analyzing unit for analyzing at least message data representing a message for display to a user and operation data representing an operation both included in said instruction data (lines 14-17 of column 18, lines 46-63 of column 24, lines 31-41 of column 29, and Fig. 22); an operation control unit for extracting said message data analyzed by said analyzing unit and generating a display message by replacing at least part of a default message previously set for display to the user with

the message represented by said message data (lines 46-49 of column 2, lines 15-32 of column 9, lines 46-63 of column 24, and Fig. 22); and a display unit for displaying to the user the display message generated by said operation control unit (lines 28-32 of column 1 and Fig. 1, 2, and 3).

b. As per claims 2 and 13, Gish teaches: a determining unit for determining said application corresponding to said instruction data (lines 57-67 of column 18 and lines 44-56 of column 52); an application executing unit for carrying out an operation based on said application determined by said determining unit by following said operation data (lines 44-56 of column 52), wherein said default message is described in the application determined by said determining unit (lines 15-32 of column 9, lines 46-63 of column 24, and Fig. 22), and based on the operation of said application executing unit, said display unit displays on a screen the display message generated by said operation control unit (lines 9-11 of column 31 and lines 50-53 of column 52).

c. As per claims 3 and 14, Gish teaches: the message represented by said message data is displayed on the screen of said display unit when said application is activated by said application executing unit (lines 34-41 of column 29 and lines 44-56 of column 52).

d. As per claims 4 and 15, Gish teaches: when said operation control unit cannot extract said message data analyzed by said analyzing unit, said operation control unit sets said default message as the display message (lines 40-51 of column 17 and lines 41-52 of column 68).

e. As per claims 5 and 16, Gish teaches: said operation control unit and said application executing unit are previously incorporated in the application (abstract and lines 41-67 of column 18).

f. As per claims 6 and 17, Gish teaches: said operation control unit and said application executing unit are implemented by a Java applet operated on a Java VM (lines 18-26 of column 29); and said Java applet is retrieved from a server on the Internet (lines 17-34 of column 15 and lines 46-55 of column 20).

g. As per claims 7 and 18, Gish teaches: a determining unit for determining said application corresponding to said instruction data (lines 57-67 of column 18 and lines 44-56 of column 52); an execution checking unit for determining whether said application is to be executed based on said message data extracted by said operation control unit (lines 57-67 of column 18 and lines 44-56 of column 52); and an application executing unit for carrying out an operation based on said application when it is determined by said execution checking unit that said application is to be executed by following said operation data analyzed by said analyzing unit (lines 57-67 of column 18 and lines 44-56 of column 52).

h. As per claims 8 and 19, Gish teaches: said message data is a character string describing the instruction of said instruction data (lines 22-34 of column 1 and lines 14-24 of column 20).

i. As per claims 9 and 20, Gish teaches: said display unit displays the display message generated by said operation control unit for prompting the user to answer whether to execute said application (lines 25-27 of column 55); and when the

user enters an answer as to whether to execute said application based on the display message displayed on said display unit, said execution checking unit determines whether said application is to be executed (lines 14-19 of column 48).

j. As per claims 10 and 21, Gish teaches: "when a character string contained in an anchor of linking hypertext of said instruction data stored in said server matches said message data, said execution checking unit determines that said application is to be executed (lines 4-32 of column 37, lines 45-63 of column 45, and lines 14-33 of column 48).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 11 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Gish as applied to claims 7 and 22 respectively above, in view of Abdelnur et al. (U.S. 6,212,640 B1) hereinafter referred to as Abdelnur.

As per claims 11 and 22, Gish teaches: secure HTTP processes, which authenticate the user.

Gish fails to teach: said instruction data includes digital signature data representing validity of said instruction data; and said determining unit further verifies said digital signature data included in said instruction data, and determines said

application corresponding to said instruction data only when said digital signature data satisfies a predetermined condition. However, Abdelnur discloses: "For example a digital signature or an authorization certificate from a trusted authority can be included in an applet for verification purposes. A server that the applet seeks to access can determine the authenticity of the applet by verifying the applet's digital signature using a public key/private key encryption technique," (lines 2-7 of column 8).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have said instruction data includes digital signature data representing validity of said instruction data, and have said determining unit further verifies said digital signature data included in said instruction data, and determines said application corresponding to said instruction data only when said digital signature data satisfies a predetermined condition. "One security approach that allows applications or applets to access information on computers other than the one they have been retrieved from uses digital signatures or other forms of certification to confirm that an applet is a trusted applet," (line 65 of column 7 through line 2 of column 8). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have said instruction data includes digital signature data representing validity of said instruction data, and have said determining unit further verifies said digital signature data included in said instruction data, and determines said application corresponding to said instruction data only when said digital signature data satisfies a predetermined condition in the system as taught by Gish.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stern et al. (U.S. 5,935,249) discloses mechanism for embedding network based control systems in a local network interface device.

Parsons, Jr. et al. (U.S. 6,085,247) discloses server operating system for supporting multiple client-server sessions and dynamic reconnection of users to previous sessions using different computers.

Gish (U.S. 6,233,620 B1) discloses object-oriented system for a presentation engine in an enterprise computing framework system.

Donoho et al. (U.S. 6,256,664 B1) discloses method for computed relevance messaging and digital signatures.

Dugan et al. (U.S. 6,363,411 B1) discloses intelligent network, Java virtual machine, applets, and messages.

Cahill et al. (U.S. 6,535,855 B1) discloses Java virtual machine and digital signatures.

Takeuchi et al. (U.S. 6,647,495 B1) discloses information processing apparatus, Java virtual machine, and digital signatures.

Mikurak (U.S. 6,671,818 B1) discloses problem isolation through translating and filtering events into a standard object format in a network based supply chain, Java virtual machine, and digital signatures.

Morshed et al. (U.S. 6,721,941 B1) discloses collection of timing and coverage data through a debugging interface, messages, and Java virtual machine.

Morshed et al. (U.S. 6,760,903 B1) discloses coordinated application monitoring in a distributed computer environment, messages, and Java virtual machine.

Dugan et al. (U.S. 6,779,030 B1) discloses intelligent network, Java virtual machine, applets, and messages.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (571) 272-3896. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published

in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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